

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Richard Fort,

Case Nos. 1:16 CV 551
1:16 CV 1449

Petitioner,

-vs-

ORDER ADOPTING
REPORT AND RECOMMENDATION

Brigham Sloan,

JUDGE JACK ZOUHARY

Respondent.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge filed December 29, 2017 (Case No. 16 CV 551, Doc. 16; Case No. 16 CV 1449, Doc. 18). The R&R recommends this case be dismissed. Specifically, the R&R concludes Petitioner’s forfeiture claims are not cognizable on habeas review; the state appellate court did not err in rejecting Petitioner’s claim under *Doyle v. Ohio*, 426 U.S. 610 (1976); and the state appellate court’s decision neither contravened nor misapplied *Alleyne v. United States*, 133 S. Ct. 2151 (2013).

Under 28 U.S.C. § 636(b)(1), a party must serve and file written objections to the Magistrate’s proposed findings and recommendations within fourteen (14) days of being served with the R&R, at which time this Court makes a *de novo* determination of those portions of the R&R to which objections were made. The failure to file objections within the time frame set forth in the statute constitutes a waiver of *de novo* review by the district court. See *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Thomas v. Arn*, 474 U.S. 140 (1985).

Petitioner’s deadline for filing objections has passed, and this Court has received no requests for extension. The R&R accurately states the facts and law, and this Court adopts it in its entirety. Accordingly, these cases (16 CV 551 and 16 CV 1449) are dismissed.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

January 30, 2018